

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

NICHOLAS L. SCHNATZ,	:	
	:	
Plaintiff,	:	
	:	NO. 1:11-CV-00618
v.	:	
	:	
COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 16), Plaintiff's objections thereto (doc. 17), and the Commissioner's response to Plaintiff's objections (doc. 18). In her Report and Recommendation, the Magistrate Judge recommends that the decision of the Administrative Law Judge ("ALJ") denying Plaintiff's applications for disability insurance benefits and supplemental security income be affirmed and this case be dismissed from the Court's docket.

In brief, Plaintiff filed applications for supplemental security income and disability insurance benefits in May 2007, alleging a disability onset of December 31, 2003, due to diabetes, a blood disorder, heart problems and arthritis (doc. 16). The ALJ determined that Plaintiff suffered from

morbid obesity, shortness of breath with ongoing heavy tobacco abuse, likely chronic obstructive pulmonary disease, chest pain with likely mild angina, coronary artery disease, hypertension, history of coronary angioplasty and stenting, non-insulin-dependent diabetes mellitus, polycythemia, and degenerative joint disease of the knees (Id.). However, the ALJ further determined that Plaintiff was not disabled under the Social Security Act and that he had the residual functional capacity to, among other things, lift 50 pounds occasionally and 25 pounds frequently (Id.). The ALJ then concluded that Plaintiff is capable of performing his past relevant work as an inspector (Id.).

Plaintiff presented three assignments of error to the Court: (1) the ALJ failed to consider the impact of Plaintiff's obesity on his ability to work; (2) the ALJ erred in her residual functional capacity assessment by relying on the opinion of a reviewing physician whose opinion was not based on a complete review of the record; and (3) the ALJ erred in her determination that Plaintiff could perform his past work as an inspector (Id.). The Magistrate Judge rejected these assignments of error, determining that the ALJ's decisions were supported by substantial evidence (Id.).

Plaintiff objects to the Magistrate Judge's Report &

Recommendation, largely reiterating the arguments set forth in his assignment of errors (doc. 17). Noting the similarity between Plaintiff's original assignments of error and his objections to the Magistrate Judge's report, the Commissioner rests on his original brief (doc. 18)

As required by 29 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon thorough consideration of the foregoing, the Court finds Plaintiff's objections unpersuasive and determines that the Magistrate Judge's Report and Recommendation is thorough, well-reasoned and correct. Consequently, the Court ADOPTS and AFFIRMS it in its entirety. Accordingly, the decision of the Commissioner is AFFIRMED and this matter is closed from the Court's docket.

SO ORDERED.

Dated: October 2, 2012

/s/ S. Arthur Spiegel

S. Arthur Spiegel
United States Senior District
Judge